

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1359 of 1982

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and

MR. JUSTICE H.R. SHELAT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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BAI ZINIBEN

Versus

SPL LAND ACQUISITION OFFICER

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Appearance:

MS VASUBEN P SHAH for Petitioner

MR. M.R. ANAND, G.P. with MR KAMAL METHA, A.G.P.

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CORAM : MR.JUSTICE B.C.PATEL and

MR.JUSTICE H.R.SHELAT

Date of decision: 11/12/96

ORAL JUDGEMENT

The sole appellant, being aggrieved by the rejection of the Reference preferred by her, being Reference No. 79 of 1980, by the Extra Assistant Judge, Surat, has preferred this appeal.

2. From the record, it appears that Special Land Acquisition Officer, Surat made a Reference under section 18 of the Act on an application of the claimant-appellant for making a Reference, which was undated and which was received by the Special Land Acquisition Officer on 29.8.1978.

3. After completing the inquiry as contemplated under the Land Acquisition Act 1894 (hereinafter referred to as the Act), the award in question was made by the Special Land Acquisition Officer in favour of the claimant on 25.5.1978, awarding compensation at Rs.6-25 per sq. yard. The claimant accepted the same under protest. It was pointed out to the Reference Court that the claimant has not made the application within six weeks from the date of declaration of the award, and hence the application for making Reference under Sec. 18 of the Act was barred by limitation. It was also pointed out to the Reference Court that the claimant herself was present at the time of passing of the award and that she herself took the voucher of the amount awarded as compensation. There was overwhelming evidence that the claimant was present when the award was made, and that she had accepted the voucher of the award under protest. In paragraph 19 of the award made by the Court, it is pointed out that the application was given by the claimant, praying to condone the delay but the said application was not pressed.

At this stage, learned advocate Ms. V.P. Shah for the appellant states that an order was passed earlier by this Court in Spl. C.A.s No. 4573/92 and 3408/84 whereby this First Appeal was directed to be heard along with the said Special Civil Applications. She, therefore, submits that she may be permitted to withdraw this First Appeal with liberty to revive this First Appeal in case the said Special Civil Applications are allowed by this Court. Permission granted with liberty as aforesaid. This appeal stands disposed of accordingly.

csm./